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REMARKS**I. Prosecution History**

Claims 1-78 were originally filed in the application dated December 13, 2001. In a first office action, claims 1, 2, 8-12, 19-20, 21-23, 29-32, 38-39, 40-41, 47-51, 57-58, 70-71, 59-61, 67-68 and 77-78 stood rejected under 35 U.S.C. §102(e) as being anticipated by *Anderson, Jr. et al* (US Patent No. 6,578,203). Claims 3-7, 14-18, 24-28, 33-36, 42-45, 52-56, 62-66 and 72-75 stood rejected under 35 U.S.C. §103(a) as being unpatentable over *Anderson, Jr. et al.* (US Patent No. 6,578,203) in view of *Narayanaswami* (US Patent No. 6,657,654). In response to the first office action, claims 6, 13, 15, 17/ 23, 25-27, 32-68, 71, and 73-78 were canceled, and claims 1-5, 7, 9, 10-12, 14, 16, 18-19, 21-22, 24, 28-29, 31, 70 and 72 were amended to place them in better form for allowance. The prior art of record cited against the independent claims was distinguished against the amended claims.

After a second office action dated November 17, 2005, made final, claims 1-5, 7-12, 14, 16, 18-22, 24, 28-31, 70 and 72 were rejected, Applicants submitted an amendment and response, and requested reconsideration. Applicants amended claims 1-3, 5, 7 and 8, and canceled claim 4. Claims 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 69-70, and 72 remained pending in the case.

On March 6, 2006, an advisory action was received from the office indicating that the amendment submitted by Applicant would not be entered because it raised new issues. Applicant filed an RCE on March 15, 2006 and included the un-entered amendment.

A first office action following the RCE filing was received from the office April 17, 2006 wherein claims 1-3, 5, 7-12, 14, 16, 18-22, 24, 28-31, 69, 70 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Anderson et al* (US Patent #6,578,203) in view of *Duhault* (US Patent #6,456,334). In response, Applicants filed a reply without amendment again arguing against the 35 U.S.C. §103(a) rejection based on Anderson et al in view of Duhault.

A Final Office Action, was received on October 20, 2006. The rejection of claims 1, 2, 8-12, 18-22, 29-30, 31, 70 and 72 under 35 U.S.C. 103(a) as being unpatentable over *Anderson, Jr. et al* in view of *Duhault* was maintained. Applicants filed another reply on December 20, 2006

without amendment. On January 23, 2007, Applicants received an advisory action maintaining the finality of the office action and rejection of the claims as unpatentable over *Anderson, Jr. et al* in view of *Duhault*.

On March 19, 2004, Applicants filed another RCE without amendment, but only including a declaration of Dr. Richard Krukar, which was believed to overcome the rejection.

On June 11, 2007, Applicants received a first Office Action, made Final, wherein the Examiner was of the opinion that Dr. Krukar's declaration was insufficient to overcome the rejection of the claims.

Applicants now file a Request of Continued Examination (RCE) with substantial amendments and claim additions believed to finally distinguish their claims from *Anderson et al* and removing *Duhault* as a relevant reference. Claims 1, 2, 3, 5, 7, 8 and 18 have been amended. Claims 4, 6, 9-17, and 19-78 are now canceled. New claims 79-126 have been added.

Request reconsideration of the pending claims in light of the following remarks.

## **II. Amended and New claims summarized.**

Applicants have continued to argue throughout prosecution of their application that *Anderson, Jr. et al* ("Anderson") does not teach or suggest a "hand held device" as required and taught by Applicants in their specification and drawings. Applicants believe that language now added to the pending independent claims overcome *Anderson* as a reference, alone and when combined with *Duhault*. Amendments and new claims provide specific structure and elements supported throughout their specification and drawings as filed and remain consistent with opinions found in Dr. Richard Krukar's declaration as one skilled in the art.

Consistent with Applicants' position over *Anderson* and *Duhault*, Dr. Krukar declared that *Anderson* taught a venue wide signal broadcasting system and a head mounted display that does not actually function during operation as a hand held display, which is functionality specifically taught by Applicants, because head mounted displays like binoculars are required to

be held next to a viewer's eyes in order to be in a user's imaging plane. In contrast, it is generally accepted and therefore inherent given Dr. Kukar's analysis that Hand held devices, like a picture, can actually be held up to 20 inches or so from a viewers face and still be viewed by the user.

Furthermore, Dr. Kukar stated in his declaration that *Duhault* teaches a system with multiple tuners that can display one video stream per tuner and that combining *Anderson* with the multiple tuners (and associated hardware) of *Duhault* would result in a head mounted display with numerous tuners, and much larger size and weight than the skilled in the art would be interesting in for a portable, live venue application. Unlike the multiple tuners required by *Duhault* and the limited head mounted display device format taught by *Anderson*, Applicants teach and claim a data transmission capability that can securely transmit streams of data including video.

Applicants believe that several aspects of their invention yet to be claimed have actually always overcome the 35 U.S.C. §103(a) rejection, but are only now represented in the claims. Therefore Applicants present independent claims 1, 79, 93, 101, 110, 124, 125 and 126 for subject matter not taught or suggested by *Anderson* in view of *Duhault* and other art cited in the prosecution record. The independent claims, with significant distinctions underlined for Examiner's convenience, are summarized as follows:

1. A method for transmitting venue-based data including in-play video camera views for display at hand held devices located within an entertainment venue, said method comprising the steps of:

providing an entertainment venue with more than one video camera and a wireless data communications network adapted to support secure wireless communications between at least one server and wireless hand held devices located at said entertainment venue, said entertainment venue further comprising at least one of: a racing stadium, a sports stadium, a concert hall, a golf course, a casino, a boxing arena, a wrestling arena, an amusement park;

capturing video images from more than one visual perspective of a venue-based activity using said more than one video camera and including at least one in-play camera;

providing said video images to said at least one server, said at least one server adapted to simultaneously process said video images and containing venue-based data, wherein said venue based data includes at least one of: venue information, event information, promotional information, advertising information, team information, statistics, television broadcasts, sports scores, gaming information;

processing said video images at said at least one server into venue-based data formatted with encryption coding for secure wireless transmission through said wireless data communications network from said at least one server to wireless hand held devices using security codes to receive and process said venue-based data from said at least one server;

transmitting said venue-based data including more than one video image captured by at least one of said more than one video camera located at said entertainment venue from said server over said wireless data communications network to said more than one hand held device as encrypted venue-based data;

receiving said encrypted venue-based data at a hand held device authorized by at least one security code stored in and used by said hand held device to receive and process said encrypted venue-based data, said hand held device further including a user interface adapted to accept user inputs at said hand held device and a display screen adapted to enable a user of said hand held device to view said venue-based data provided by said at least one server when said hand held device is held more than one foot away from the user's face;

processing said encrypted venue-based data using said at least one security code stored in said hand held device to decrypt said encrypted venue-based data; and

displaying decrypted venue-based data on said display screen following selection of said decrypted venue-based data for display on said display screen with said user interface.

79. A method for transmitting venue-based data including in-play video camera views for display at hand held devices, said method comprising the steps of:

providing an entertainment venue with more than one video camera and a wireless data communications network adapted to support secure wireless communications between at least one server and wireless hand held devices located at said entertainment venue, said entertainment venue further comprising at least one of: a racing stadium, a sports stadium, a concert hall, a golf course, a casino, a boxing arena, a wrestling arena, an amusement park;

capturing video images from more than one visual perspective of a venue-based activity using said more than one video camera and including at least one in-play camera;

providing said video images to said at least one server, said at least one server adapted to simultaneously process said video images and containing venue-based data, wherein said venue based data includes at least one of: venue information, event information, promotional information, advertising information, team information, statistics, television broadcasts, sports scores, gaming information;

processing said video images at said at least one server into venue-based data formatted with encryption coding for secure wireless transmission through said wireless data communications network from said at least one server to wireless hand held devices using security codes to receive and process said venue-based data from said at least one server, wherein said wireless hand held devices each include a display screen adapted for viewing venue-based data provided to said wireless hand held devices by said at least one server when said hand held device is held away from the user's face and eyes;

transmitting said venue-based data including at least one video image captured by said more than one video camera located at said entertainment venue from said server over said wireless data communications network to said more than one hand held device as encrypted venue-based data.

93. A method for receiving venue-based data including video camera views transmitted securely over a data network within a live entertainment venue for display at a hand held device, said method comprising the steps of:

providing secure wireless data communications within a live entertainment venue, said live entertainment venue including at least one of: a racing stadium, a sports stadium, a concert hall, a golf course, a casino, a boxing arena, a wrestling arena, an amusement park;

providing video cameras adapted to capture video perspectives throughout said live entertainment venue;

providing a server for storing and managing venue-based data, wherein said venue-based data includes said video perspectives and at least one of: entertainment venue information, event information, promotional information, advertising information, team information, statistics, television broadcasts, sports scores, gaming information;

providing a wireless hand held device adapted with at least one security access code used to receive said venue-based data in the form of secure wireless data over said secure wireless data communications from said server, said wireless hand held device including a wireless transceiver, a memory, a user interface and a display screen adapted enable a user of said wireless hand held device to view video and data on said display screen at least one feet away from the user's face and eyes;

wirelessly receiving venue-based data including video camera views transmitted securely over said secure wireless communications provided within said live

entertainment venue, said venue-based data adapted for display at said wireless hand held device; and

selectively displaying at least one video camera view selected from said video cameras adapted to capture video perspectives throughout said live entertainment venue on said display screen.

101. A method for transmitting venue-based video camera views captured by more than one video camera located within an entertainment venue for simultaneous transmission as data over secure communications networks for display at a hand held device, said method comprising the steps of:

capturing video camera views from more than one video camera located within an entertainment venue, said entertainment venue including at least one of: a racing stadium, a sports stadium, a concert hall, a golf course, a casino, a boxing arena, a wrestling arena, an amusement park;

providing said video camera views and entertainment venue data to at least one wireless gateway adapted to process and securely transmit said video camera views and said entertainment venue data with encryption coding to wireless hand held devices located within said entertainment venue and using security codes to receive and process said video camera views and entertainment venue data transmitted from said wireless gateway, wherein said entertainment venue data includes at least one of: entertainment venue information, event information, promotional information, advertising information, team information, statistics, television broadcasts, sports scores, gaming information;

transmitting said video camera views and entertainment venue data to wireless hand held devices located within said entertainment venue using said wireless gateway.

110. A method for receiving venue-based data at a wireless hand held device, said method comprising the steps of:

providing a wireless hand held device adapted with at least one security code used to receive said venue-based data in the form of streamed wireless data over a secure wireless data communications network from a server, said wireless hand held device including at least one wireless transceiver, a memory, a user interface and a display screen adapted enable a user of said wireless hand held device to view video and data on said display screen at least one foot away from the user's face and eyes;

receiving data at a hand held device through said wireless data communications network, wherein said data includes at least one video stream of at least one visual perspective acquired from an entertainment venue and wherein said data is acquired from at least one video camera located at said entertainment venue;

authorizing said wireless hand held device to receive and process said data utilizing a security code;

processing said data for display on a display screen associated with said wireless hand held device; and

streaming video of said at least one visual perspective for display on said display screen in response to a user selection of said at least one visual perspective from said data processed for display on said display screen, said user selection provided using said user interface.

124. A system for capturing, processing and securely transmitting venue-based data including video camera views for display at hand held devices located within an entertainment venue, comprising:

an entertainment venue further comprising at least one of: a racing stadium, a sports stadium, a concert hall, a golf course, a casino, a boxing arena, a wrestling arena, an amusement park;

more than one video camera located throughout said entertainment venue adapted to capture visual perspectives as video images at said entertainment venue;

at least one server adapted to receive said video images from said more than one video camera and process said video images and video venue-based data with security encoding for secure wireless transmission through a wireless data communications network, wherein said venue-based data includes at least one of: venue information, event information, promotional information, advertising information, team information, statistics, television broadcasts, sports scores, gaming information; and

a wireless data communications network adapted to support secure wireless communications between at least one server and wireless hand held devices located at said entertainment venue;

wherein said video images and said venue-based data are formatted with encryption coding for secure wireless transmission through said wireless data communications network from said at least one server to wireless hand held devices using security codes to receive and process said venue-based data from said at least one server, and wherein said video image and venue-based data are transmitted as streaming media to wireless hand held devices including a display screen adapted for viewing venue-based data provided to said wireless hand held devices by said at least one server when said hand held device is held away from the user's face and eyes.

125. A wireless hand held device, comprising:

a display screen adapted for enabling a user to view venue-based data including video captured at a live entertainment venue and provided to said wireless hand held

devices by at least one server associated with an entertainment venue for storing video and venue-data, said display screen further adapted to enable viewing of said venue-based data when said hand held device is held twelve inches away from the user's face and eyes;

a user interface adapted to enable the user to select video and venue-based data for viewing on said display screen;

a wireless communications module adapted to securely communicate with and receive data from an entertainment venue system located within said entertainment venue including more than one video camera for capturing video camera views at said venue, at least one server processing for processing video camera views and venue-based data with encryption coding, and a wireless data communications network for securely transmitting venue-based data including video camera views for display on a display screen; and

a security unit adapted to decrypt said data from an entertainment venue system using security codes stored in said security unit;

wherein said video images and said venue-based data are formatted with encryption coding by said at least one server for secure wireless transmission as streaming data through said wireless data communications network from said at least one server to wireless hand held devices using security codes to receive and process said venue-based data from said at least one server.

126. A system for capturing, processing and securely transmitting venue-based data including video camera views for display at hand held devices located within an entertainment venue, comprising:

an entertainment venue further comprising at least one of: a racing stadium, a sports stadium, a concert hall, a golf course, a casino, a boxing arena, a wrestling arena, an amusement park;

more than one video camera located throughout said entertainment venue adapted to capture visual perspectives as video images at said entertainment venue;

at least one server adapted to receive said video images from said more than one video camera and process said video images and video venue-based data with security encoding for secure wireless transmission through a wireless data communications network, wherein said venue-based data includes at least one of: venue information, event information, promotional information, advertising information, team information, statistics, television broadcasts, sports scores, gaming information;

a wireless data communications network adapted to support secure wireless communications between at least one server and wireless hand held devices located at said entertainment venue; and

a wireless hand held device, further comprising:

a display screen adapted for enabling a user to view venue-based data including video captured at a live entertainment venue and provided to said wireless hand held devices by at least one server associated with an entertainment venue for storing video and venue-data, said display screen further adapted to enable viewing of said venue-based data when said hand held device is held twelve inches away from the user's face and eyes;

a user interface adapted to enable the user to select video and venue-based data for viewing on said display screen;

a wireless communications module adapted to securely communicate with and receive data from an entertainment venue system located within said entertainment venue including more than one video camera for capturing video camera views at said venue, at least one server processing for processing video camera views and venue-based data with encryption coding, and a wireless data

communications network for securely transmitting venue-based data including video camera views for display on a display screen; and

a security unit adapted to decrypt said data from an entertainment venue system using security codes stored in said security unit;

wherein said video images and said venue-based data are formatted with encryption coding by said at least one server for secure wireless transmission as streaming data through said wireless data communications network from said at least one server to wireless hand held devices using security codes to receive and process said venue-based data from said at least one server.

**III. Rejection of claim 1 under 35 U.S.C. §103(a) as being unpatentable over *Anderson et al.* in view of *Duhault*.**

*Anderson* in view of *Duhault* does not teach or suggest a "hand held device" as required and taught by Applicants in their specification and drawings, and as more particularly provided for in their claims. Applicants' hand held device set forth in claim 1 as amended includes a display screen adapted to enable viewing of said venue-based data when said hand held device is held away from the user's face and eyes. Such feature is supported throughout Applicants' specification and illustrated within Applicants' drawings, and is inherent in the use of hand held devices like PDAs and cellular phones as described in Applicant's specification. Applicants' hand held device as set forth in claim 1 as amended also includes a wireless communications module adapted to securely communicate with and receive data from an entertainment venue system located within said entertainment venue including more than one video camera for capturing video camera views at said venue. Secure communications is supported by Applicants' hand held device by use of a security code.

*Anderson* in view of *Duhault* does not teach or suggest use of a server for processing data with encryption and use of secure wireless communications to transmit encrypted video and

venue-based data to hand held devices located within an entertainment venue and adapted to receive secured data.

#### **IV. Simultaneous display - convenient but not necessary to Applicants' Invention.**

In retrospect, when considering Applicants original claims and the supporting specification and drawings, it is actually less important for the use of Applicants' invention that the display be capable of simultaneously displaying more than one video at a time, which is the primary feature of *Duhault*. What is most important to Applicants' system, methods and hand held device is that live video captured by multiple cameras located throughout a live entertainment venue and venue-based data can be processed for secure communications as streaming data over a secured wireless communications network from at least one server associated with the entertainment venue and adapted to process and encrypt the data prior to its transmission.

Applicants strongly support the declaration provided by Dr. Richard Krukar, who is well qualified as a person having skill the relevant art, as he confirms that *Anderson* is not a hand held device, and would not be capable of operating as a hand held device during its actual use as a viewer. Dr. Krukar is shown to be well credentialed and his independent analysis supports Applicants' ongoing position throughout prosecution of this application that *Anderson et al* is not a hand held device as claimed by Applicants and that one skilled in the relevant art would not be motivated to arrive at claimed aspects of Applicants' invention by referencing *Anderson*, especially as now set forth in the claims as now amended or newly added. Dr. Krukar's declaration defeats the proposition that one skilled in the art would be motivated to combine *Anderson* with *Duhault* because of *Anderson et al*'s limitations. But again, viewing more than one video at a time, although an advantageous feature offered by Applicants' teaching, is not the main inventive feature provided in Applicants' current claims and should not be viewed as a necessary limitation given the other relevant and more important features now presented in

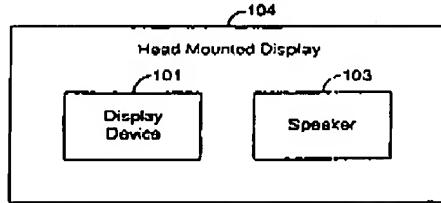
independent claims 1, 79, 93, 101, 110, 124, 125 and 126. These claims now render *Duhault's* application as prior art against the present claims moot.

But Dr. Krukar's declaration still raises very important points regarding the *Anderson* and *Ronzani et al* (U.S. Patent 5,844,656, incorporated by reference into *Anderson*) head mounted devices:

In any display system, the most important thing is what appears on the imaging plane. The imaging plane coincides with a viewer's retina. The naked eye uses a lens to image distant objects onto the retina. A hand held device is like a picture held 20 inches or so from the viewer's face. A head mounted display is like binoculars held to the viewer's eyes. A picture held to the eye is hard to perceive. Binoculars held at 20" show, at best, two dots of light on the rear lens. A picture held to the viewer's face results in a blurred incomplete perception followed by eye strain and headache.

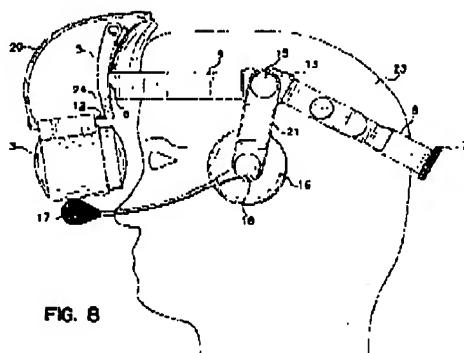
Clearly, the skilled in the art like Dr. Krukar will always agree that *Anderson* was never meant to be operated as a "hand held device including a display screen adapted to enable viewing of said venue-based data when said hand held device is held away from the user's face and eyes", which is language that can now be found throughout the claims.

*Anderson's FIG. 4 also supports the limitation in form factor specifically referenced for use by the skilled as being a "head mounted display":*



**FIG. 4**

Dr. Krukar's declaration supports a learned opinion that would be shared by others with relevant skilled in the art that a head mounted display limitation clearly exists. It is very clear that *Anderson* specifically incorporate the "head mounted display" taught by *Ronzani et al* to suggest a preferred embodiment to the skilled. Specifically, the *Anderson* reference calls on support for a HMD into his specification by referring to U.S. Patent No. 5,844,656 entitled "Head Mounted Display with Adjustment Components" by *Ronzani et al*, which is specifically incorporated by reference in *Anderson* (i.e., see column 25, lines 25-30). A close review of FIGS. 1-9 in the *Ronzani et al* reference reveals that HMD 104 taught and suggested by *Anderson* is not a "hand held device." FIG. 8 of *Ronzani et al* has been copied again below to illustrate the type of device taught by *Anderson*.



The HMD 20 taught by *Ronzani et al.*, and adopted as the preferred embodiment in *Anderson*, must be attached to a person's head 23 during use. As indicated at column 3, lines 39-65 of *Ronzani et al.*, a headband (8) is utilized to attach the HMD to a person's head (23). Additionally, *Ronzani et al* points out at column 2, lines 15-17 that it is "a further object of this invention to provide an adjustable HMD that is designed to be comfortably worn over a long period of time".

Thus, the HMD taught by Ronzani *et al* and Anderson *et al* is worn by or attached to a person's head and does not constitute a hand held device during operation. The Anderson device

is not similar to the "hand held" device taught by Applicants, such as PDAs, cellular telephones, hand held televisions, which are specifically held away from a user's face and eyes in a user's hand during use for viewing venue-based data including video at a live entertainment venue.

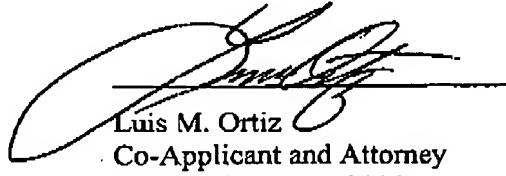
For all of the forgoing reasons, rejection of amendment claim 1 is respectfully traversed and its allowance, together with other amended and new claims is respectfully requested.

#### V. Conclusion

Applicants submit that the pending claims in a condition for allowance. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. §103 based on these submissions. Reconsideration and early allowance of Applicants' application is also respectfully solicited.

The Examiner is respectfully requested to contact the undersigned representative to conduct an interview in an effort to expedite prosecution in connection with the present application should there be any outstanding matters that need to be resolved in the present application.

Respectfully submitted,



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